



PTO/SB/96 (10-92)

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Docket No. 337452001100

In the application of: John C. Hiserodt
Serial No.: 09/162,648
Filed: September 29, 1998
For: CANCER IMMUNOTHERAPY USING ALLOSTIMULATED CELLS IN A MULTIPLE
SEQUENTIAL IMPLANTATION STRATEGY

Meyer Pharmaceuticals, LLC, a California corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From : John C. Hiserodt
To: Meyer Pharmaceuticals, LLC

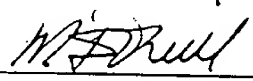
A true copy of each Assignment is attached hereto.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 5-12-99


Name: Michael O'Neill
Title: President
Meyer Pharmaceuticals, LLC
1761 Kaiser Avenue
Irvine, California 92614

PTO/SB/96 (10-92)

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

ASSIGNMENT SOLE

THIS ASSIGNMENT, by John C. Hiserodt (hereinafter referred to as the assignor), residing at 6722 Lawn Haven Drive, Huntington Beach, California 92648 witnesseth:

WHEREAS, said assignor has invented certain new and useful improvements in CANCER IMMUNOTHERAPY USING ALLOSTIMULATED CELLS IN A MULTIPLE SEQUENTIAL IMPLANTATION STRATEGY, set forth in an application for Letters Patent of the United States, having an oath or declaration executed on even date herewith; bearing Serial No. 09/162,648 and filed on September 29, 1998; and

WHEREAS, Meyer Pharmaceuticals, LLC a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 1761 Kaiser Avenue, Irvine, California 92614 (hereinafter referred to as the assignee, Meyer Pharmaceuticals, LLC) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient considerations, the receipt of which is hereby acknowledged, said assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, Meyer Pharmaceuticals, LLC, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, Meyer Pharmaceuticals, LLC, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee, Meyer Pharmaceuticals, LLC its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is the sole and lawful owner of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee, Meyer Pharmaceuticals, LLC, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successor, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, Meyer Pharmaceuticals, LLC, its successors, legal representatives and assigns, but at the cost and expense of said assignee, Meyer Pharmaceuticals, LLC, its successors, legal representatives and assigns.

AND said assignor hereby requests the Commissioner of Patents to issue said Letters Patent of the United States to said assignee, Meyer Pharmaceuticals, LLC as the assignee, Meyer Pharmaceuticals, LLC of said inventions and the Letters Patent to be issued thereon for the sole use said assignee, Meyer Pharmaceuticals, LLC, its successors, legal representatives and assigns.

5/12/99
Date

John C. Hiserodt
John C. Hiserodt



RECEIVED 1633
MAY 03 2001

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

TECH CENTER 1600/2900

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date shown.


J. Michael Schiff

April 24, 2001

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: John C. Hiserodt

Art Unit: 1633

Serial No.: 09/162,648

Examiner: Carrie M. Stroup

Filing Date: September 29, 1998

For: CANCER IMMUNOTHERAPY USING
ALLOSTIMULATED CELLS IN A MULTIPLE
SEQUENTIAL IMPLANTATION STRATEGY

TRANSMITTAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed please find the following:

- This Transmittal (2 pages) (in duplicate)
- Amendment responsive to Office Action dated October 24, 2001 (10 pages)
- Interview Summary (3 pages)
- Statement under 37 CFR § 3.73(b) with true copy of Assignment (3 pages)
- Revocation of Power of Attorney
- New Power of Attorney

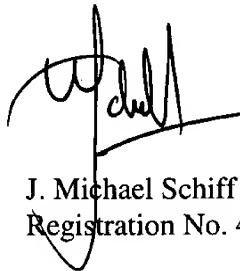


- Petition for three-month Extension of Time (2 pages)
- Return receipt post-card
- Credit Card Payment Form (PTO-2038)

The Assistant Commissioner is hereby authorized to charge the Credit Card indicated on the enclosed PTO-2038 with the fee required for the enclosed Petition for a three-month extension of time. The fee is being paid as a *Small Entity*, and the amount is \$445.

Should the patent Office determine that a further extension of time or any other relief is required for consideration of the enclosed papers, applicant hereby petitions for such relief, and authorizes the Assistant Commissioner to charge the fees therefor (or credit any overpayment) to the Credit Card indicated on the enclosed PTO-2038.

Respectfully submitted,



J. Michael Schiff
Registration No. 40,253

808 Coleman Avenue, Suite 19
Menlo Park, CA 94025
Phone: 650-327-0960

April 24, 2001



PATENT

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date shown.


J. Michael Schiff

April 24, 2001
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INTERVIEW SUMMARY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a Summary of a series of telephone interviews conducted with respect to this patent application during September of 2000.

On or about September 15, 2000, Examiner Stroup left a telephone message at the number indicated below. The message stated that the Office was now tentatively in a position to allow the application. She was calling to ask for authorization to add the term "human" between the terms "alloactivated" and "lymphocyte" in claims 1, 13, 19, and 20.

Applicant's representative telephoned the Examiner the next day, and explained that it was unnecessary to specify the lymphocytes as being human, because the patent is indicated as

being human, and the lymphocytes are indicated as being allogeneic. If the leukocytes were from a non-human species, they would be referred to as xenogeneic. Agreement was reached, and Examiner Stroup said she would process the papers for allowance.

The Examiner telephoned applicant's representative the following week, indicating that on the recommendation of Examiner John LeGuyader, an Office Action had been issued reaffirming the prior-art rejection over the Granger patent (U.S. 5,837,233). (After processing, this Office Action had a mailing date of September 29, 2000, Paper No. 11.)

Applicant's representative explained several reasons why the claimed invention was patentable over the Granger patent, including the synergistic effect of the two administrations of the alloactivated cells (Figure 4). Examiner Stroup undertook to discuss the synergistic effect with Examiner LeGuyader.

On or about September 28, 2000, the Examiner left another telephone message at the number indicated below. The message stated that she had reviewed Figure 4 with Examiner LeGuyader, and that they had agreed to allow claims 19-20 in the application. She requested that the undersigned provide authorization to charge a deposit account for a three-month extension of time.

The next day, applicant's representative telephoned Examiner Stroup and explained that the extension of time had already been paid for. Authorization was made to cancel claims 19-20, on the understanding that the application was otherwise in condition for allowance. The Examiner indicated that the Notice of Allowance would be mailed shortly. The undersigned sent a copy of the return-receipt postcard to the Examiner by facsimile, confirming that the fee for the extension of time had been received by the Office.

The decision to allow the application was again withdrawn, and the currently pending Office Action (Paper No. 12) was mailed on October 24, 2001.



Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Michael Schiff".

J. Michael Schiff
Registration No. 40,253

808 Coleman Avenue, Suite 19
Menlo Park, CA 94025
Phone: 650-327-0960

April 24, 2001